

**THE CHOSEN ONE:  
THOUGHTS ON A  
BETTER, FAIRER, AND  
SMARTER WAY TO  
PICK PRESIDENTIAL  
NOMINEES**

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## ABOUT THE AUTHOR

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# THE CHOSEN ONE: THOUGHTS ON A BETTER, FAIRER, AND SMARTER WAY TO PICK PRESIDENTIAL NOMINEES

## *Introduction*

When Americans cast their 2016 presidential ballots, the collective emotion could be summarized as: “How did we get this dismal choice?”

The Gallup Poll found that Donald Trump and Hillary Clinton were saddled “with the worst election-eve images of any major-party presidential candidates Gallup has measured back to 1956.” The national exit polls painted an equally depressed picture. A stunning 57 percent of the voters said — before they knew the outcome — that they would be “concerned” or “scared” if Trump were elected. For her part, Clinton did not score much better.

For me, a political columnist covering his tenth presidential campaign, the emblematic voter was a general contractor in his fifties whom I met at the polling station in Nottingham, New Hampshire, on Election Day. Depressed over his choices, he had intended to leave the presidential line blank. But, at the last minute, he ticked the box marked Trump. As he explained, “I decided that I didn’t want to vote for Hillary more than I didn’t want to vote for Trump.”

Not since, perhaps, 1968 has there been such profound dissatisfaction with how candidates were nominated for president. The problem was not only the unpopularity of Trump and Clinton, but also the widespread accusations of unfairness that accompanied the nomination fights in both parties.

The leadership of the Democratic Party (as the hacking published by Wikileaks later revealed) operated as if Hillary Clinton’s nomination were a foregone conclusion — and deliberately tried to limit her exposure in campaign debates. Far more egregiously on the Republican side, Trump benefited from rules that emphasized TV ratings over serious debates; a proliferation of winner-take-all primaries that accelerated a rush to judgment; party chairman Reince Priebus (now Trump’s White House chief of staff) prematurely decreeing the GOP race over after the May 3 Indiana primary; and the stifling of any attempt to challenge Trump’s nomination at the Cleveland Convention.

Despite a brief flurry of interest before the conventions, there has been little sustained discussion of the system under which the Democrats and Republicans nominate presidential candidates. And, if history is any gauge, there will be scant voter interest in such process questions until the 2020 campaign begins in earnest. Then — and only then — will some candidates and their most ardent supporters start railing against the unfairness of the rules.

The issue here is not *whom* the parties select, but rather *how* such candidates should be chosen. As a journalist, I have been wrestling with the challenge of finding better and fairer ways to nominate presidential candidates for decades. I am far more interested in what might be attainable in 2020 or 2024 than I am in devising an ideal system that never moves beyond armchair theory. With that goal in mind, I want to offer some thoughts on picking future presidential nominees.

## *Background*

The modern presidential nomination system was born in Chicago as tear gas clouds wafted over the 1968 Democratic Convention. Angry antiwar forces contesting Hubert Humphrey's nomination faced the daunting reality that one-quarter of the delegates to the Chicago convention had been selected by insiders-only party caucuses in 1967, long before it seemed possible that Eugene McCarthy could break through in New Hampshire or that Robert Kennedy would enter the race.

The McGovern-Fraser Commission that emerged out of the most tempestuous convention in modern history paved the way for the triumph of presidential primaries over rigged caucuses. The new Democratic Party rules, which were in place for the 1972 nomination fight (won by George McGovern), eliminated backroom caucuses and required anyone wishing to run to be a convention delegate to publicly state his or her candidate preference in advance. Language was also added to the party rules that imperiled winner-take-all primaries like California's.

The Republicans were left playing a version of catch-up. With Richard Nixon running for reelection in 1972, party rules were a low priority. But, by 1976, the Republicans began to reflect the changes wrought by the Democrats, even though the GOP retained an affection for winner-take-all primaries. But by 1980 there were 33 binding presidential primaries compared with just 3 in 1968. (Such statistics and other insights in this paper have been drawn from Elaine Kamarck's invaluable, *Primary Politics: Everything You Need to Know About How America Nominates Its Presidential Candidates*, published by the Brookings Institution Press).

The rudiments of this primary-propelled system have endured for four decades, although with some significant differences between the two parties. For example, only the Republicans currently permit winner-take-all primaries and only the Democrats have unelected and unpledged super-delegates.

Sure, there have been disputes ranging from Ted Kennedy's attempt to free Jimmy Carter's pledged delegates at the 1980 Democratic Convention to the anger of Barack Obama's supporters at pro-Hillary Clinton super-delegates in 2008. But until 2016, most of the jousting had been over the sequence of the primaries and the privileged front-of-the-line position of the Iowa caucuses and the New Hampshire primary.

All that changed in 2016 as presidential candidates across the spectrum from Bernie Sanders on the progressive left to Donald Trump on the pitchfork right raged against what they insisted was a "rigged" system.

Sanders began as a foe of unpledged super-delegates (elected officials and party leaders) until he belatedly recognized that wooing them represented his only path to the nomination. Sanders' ambivalence was reflected in a March 20 interview on "Face the Nation" in which he called the existence of super-delegates "problematic" but then went on to say, "I think you're going to see some super-delegates saying, 'You know what? I like Hillary Clinton, but I want to win this thing. Bernie is our guy.'"

The Vermont senator's ire was also directed at closed primaries, which are limited to registered Democrats. Sanders argued that Democrats-only primaries disenfranchise young unaffiliated

voters, who happened to be his most ardent supporters. After Hillary Clinton narrowly won the Kentucky primary in mid-May, Sanders attributed his defeat to “a closed primary, something I am not all that enthusiastic about, where independents are not allowed to vote.”

Trump’s complaints were primarily based on outcomes rather than any coherent theory. The former reality-show host was particularly aroused by the decision of the Colorado Republican Party to eliminate a candidate preference poll at its March 1 caucuses — and, ultimately, to send a pro-Ted Cruz delegation to the Cleveland convention. By mid-March, Trump was predicting “riots” and “bad things will happen” if he won a plurality (but less than a majority) of the delegates but was still denied the nomination on the convention floor.

Faced with the growing possibility of the first contested Republican convention since 1976, GOP voters recoiled at the notion that their nominee could be chosen by the delegates in Cleveland on a second ballot. A mid-April NBC News/Wall Street Journal poll found that 62 percent of Republicans believed (along with Trump) that the candidate with the most delegates — even if it were less than a majority — should be awarded the nomination. Only 33 percent of GOP voters cleaved to the traditional notion that at a deadlocked convention, the party should select its most electable candidate.

Once Trump became the de facto nominee after the May 3 Indiana primary, conservatives turned their attention to tinkering with the party rules to prevent future takeovers by political outsiders. Cruz supporters, in particular, directed their fire on open primaries like New Hampshire, which allowed independents to request a GOP ballot.

This led to sputtering efforts at the Cleveland and Philadelphia conventions to revamp the rules for the 2020 campaigns. But the hothouse, time-pressured atmosphere of a political convention is not conducive to a leisurely consideration of future rules changes and their consequences. So the parties followed the traditional route that dates back to the creation of the McGovern-Fraser Commission at the 1968 convention. That is, they referred all potential rules changes to post-election commissions.

The GOP’s post-election study committee has a mandate to consider a broad range of topics from how convention delegates are selected to the timing of the primaries and caucuses. The Democrats in Philadelphia created a Unity Reform Commission to convene in the spring of 2017 to make recommendations on the conduct of the 2020 presidential race. The Commission — which will issue its report by January 1, 2018 — was instructed to develop proposals to emphasize primaries over caucuses, allow same-day registration for new voters and to limit the independence of some super-delegates.

About all that is certain is that the 2020 nomination fights will be played out under modified but yet-to-be-determined rules. While all political predictions more than three years in advance should come with more caveats than a health-insurance policy, it seems likely as of this writing that the Democrats will enter the 2020 campaign without a clear favorite for the nomination. And if past history is any guide, all the powers in the GOP from the Republican National Committee to the senior leadership of Congress will be doing everything in their power to minimize the chances of a primary challenge to President Trump if he runs for reelection.

Even if these predictions are wildly off base (and presidential politics teach humility), this

conventional wisdom will guide the decision-making in both parties as they codify the 2020 rules in advance of the primaries. The Democrats presumably will have an institutional bias towards fairness in selecting a nominee, since no would-be 2020 candidate will have the clout to tilt the party rules in his or her favor. The GOP, on the other hand, will probably emphasize stifling dissent. As a result, the Republicans are apt to limit debates, cluster primaries on the same days and emphasize winner-take-all contests to discourage anyone from challenging Trump for the nomination.

While each party is independent, a certain degree of informal coordination has always been necessary so that the Democrats and the Republicans follow a similar political calendar. New Hampshire, for example, would balk if the Democrats slated the start of the 2020 primary season in early January, but the Republicans insisted on mid-February.

The biggest obstacle to lasting reform in nominating presidential candidates is an electoral system in which most of the decision-making powers rests with the individual states rather than the national party committees.

This is why in enacting a rational calendar for the primaries, the battle has often been between national party committees and assertive governors and state legislatures. For example, no one in Washington at the DNC or RNC can mandate that Arizona must hold its presidential primary on a particular date. The best that the party committees can do is to create incentives and penalties so that a state like Arizona opts to schedule its primary within a range of acceptable dates established by the parties.

Beyond the primary calendar, there is also the larger question of what constitutes a “fair” system for nominating a president.

Nothing better illustrates the difficulties of adjudicating fairness than the conflicting lessons that the losing sides in both parties drew from the 2016 primaries. Recall that the Sanders wing of the Democratic Party wanted only open primaries while the Cruz wing of the GOP demanded that all future contests be closed. Somewhere in all this lurks a larger democratic principle, but good luck in finding it.

Even if the political parties could agree on whether closed or open primaries were preferable, they have scant power to enforce their preference. More than one-third of the states, for example, have no party registration. What that means is that a voter is free to select a Republican primary ballot in one election and a Democratic ballot in the next. So even if the Republicans were to mandate closed primaries as the Cruz forces wish, how would the GOP compel states like Ohio and Michigan to enact laws establishing party registration? On the other hand, the problem with requiring open primaries on the Democratic side is that states like Pennsylvania hold primaries for congressional and state offices at the same time they select convention delegates. Many down-ballot Democratic candidates in Pennsylvania would loudly balk if the state deferred to the national party in opening up the primary to voters without party affiliation.

Other dilemmas of democracy are certain to haunt presidential politics well into the next decade. Is it fair for Iowa and New Hampshire to continue to go first? Should caucuses (even venerable ones like Iowa) be allowed to continue or should everything be decided by



primaries? How long a stretch is appropriate between the first presidential delegate contests and the last? What role — if any — should the parties play in setting the ground rules for primary debates? Is there a role for elected officials in the selection of their party's nominee? Should convention delegates be bound or free agents? And what should happen in a multi-candidate field if the leading contender comes out of the primaries with less than a majority of the delegates?

One of the dangers of tinkering with the system for nominating presidents is that the Rule of Unintended Consequences has repeatedly mocked attempts at reform. In the 1980s, the creation of Super Tuesday primaries clustered in the South was partly designed to encourage the nomination of moderate Democrats. Instead, the Democrats opted for liberals Walter Mondale (1984) and Michael Dukakis (1988). The Democratic Party's slavish reliance on proportional representation has led to an "I've fallen and I can't get up" problem — that is, it has proven nearly impossible for trailing candidates like Hillary Clinton in 2008 and Bernie Sanders in 2016 to catch up even if they win most of the final primaries.

After the 2012 campaign, then-GOP national chairman Reince Priebus and the Republican National Committee tinkered with the 2016 primary calendar and the party rules to reach a speedy consensus on a nominee. The reasoning of the Republican leaders was that Mike Huckabee (2008) and Rick Santorum (2012) had stayed in the race too long after it was inevitable that John McCain and Mitt Romney were the GOP nominees.

Of course, the solution backfired. The Republicans created incentives for states to hold winner-take-all primaries beginning March 15 in an effort to accelerate a rush to judgment. There was a rush all right — a rush to Donald Trump, the candidate whose success upended the party establishment.

But for all the limitations of prophesy, there are ways to make the presidential nominating system more equitable and more reflective of the preferences of both ordinary voters and elected officials. So here are my proposals for 2020 and beyond.

### *Defining Principles*

For more than a century, there has been talk of a national presidential primary and more recently for proposals for a set of regional primaries to replace the current hodgepodge of state primaries and caucuses. At first glance, such ideas seem both definitive and fair, even if a tad utopian.

But such high-minded schemes come with built-in limitations. They would tilt the scale even further in the direction of big-money politics since they would deprive under-funded candidates of any opportunity to break through in the early contests. Also, with a normal range of six or seven serious White House contenders, someone might win a national primary with one-quarter of the vote. Needless to say, such a minority verdict would be an invitation to dissatisfaction with both the nominee and the process that selected him or her.

Under the current system, Iowa and New Hampshire allow little-known candidates to get a fair shot at the nomination. Granted, the road to victory is still daunting — and Jimmy Carter (1 percent in the national polls in January 1976) remains the only outsider candidate

without pre-existing name recognition to corral a nomination in this fashion.

But Rick Santorum (who narrowly won Iowa in 2012) and Bernie Sanders (who swept New Hampshire last year) did emerge as surprisingly serious presidential contenders by initially concentrating their limited resources on the early small-state contests. It is easy to forget that Santorum might have won the 2012 GOP nomination had he not fallen just 32,000 votes behind Romney in the Michigan primary (3.2 percentage points) and then lost Ohio by 12,000 votes (less than one percentage point).

Once we accept the logic that small states with relatively modest campaign costs should come first on the political calendar, it leads to a second principle — voters should have time for reflection and deliberation.

Primaries present voters with unusually knotty choices since all the candidates belong to the same party. Political scientists have demonstrated that voters in November base their decisions more on party than any other single factor. Presidential primary races often boast a large field of contenders with major political credentials — and that doesn't even reflect the 2016 GOP's record-breaking oddity of a 17-candidate field. For the average presidential primary voter (as opposed to political junkies), sorting out the backgrounds and ideologies of the candidates takes time.

Also, because of debates, TV ads and profiles and investigative reports by the news media, perceptions of these would-be presidents evolve. Every attempt to rush the decision-making of the voters deprives citizens of the opportunity to make thoughtful choices. For example, clustering the later primaries on the same day dramatically lessens the chances of a voter getting a first-hand glimpse of any of the candidates. Rather than campaigning for a few days or a week across a single state, time-pressed White House contenders instead would race across the country in a fly-over campaign.

Once you accept the premise that voting in state presidential primaries should stretch over several months, it is hard to reconcile that conviction with the belief that convention delegates should be robots devoid of the ability to make independent judgments.

Things change during the presidential primaries and often voters are afflicted with buyer's remorse. And this goes well beyond Trump 2016.

If Lehman Brothers had collapsed before the 2008 GOP Convention (instead of in September), the Republicans probably would have preferred a candidate with strong economic credentials like Mitt Romney rather than the foreign-policy-obsessed John McCain.

Elaine Kamarck of the Brookings Institution posed an intriguing what-if problem: Imagine if John Edwards had been about to be nominated by the Democrats in 2008, and the *National Inquirer* had published the details of his sex scandal on the eve of the convention. Should delegates be locked into voting for a candidate certain to lose in November? Democratic delegates have the right to vote their conscience (in this case rejecting Edwards), but GOP delegates would have remained legally bound in such a situation.

That flows into the final factor that governs my approach to presidential nomination contests

— major elected and party officials have a legitimate stake in the outcome. Candidates who will share the ticket with the presidential nominee are more than disinterested bystanders. They are, to resort to a 1990s buzzword, “stakeholders.” And while governors, members of Congress and state party leaders should not be allowed to dictate the outcome as they could up until the 1970s, they should be granted far more influence than a single vote on primary day.

To summarize, here are my four guiding principles that should govern the parties’ presidential nominations processes:

- A handful of small states should go first.
- Primaries should stretch over several months.
- Convention delegates should have discretion to react to changed circumstances.
- Elected officials should have a clearcut, but limited, role in choosing a nominee.

Now here are ways these principles might be applied in 2020:

### *The Primary Calendar*

This is where most debates over nominating presidents begin and end — with the privileged position of Iowa caucuses and the New Hampshire primary. The next presidential election will mark a century since New Hampshire took on its first-in-the-nation status in 1920. The once obscure Iowa caucuses were popularized as an early bellwether by Jimmy Carter in 1976 and then they won their reputation on the Republican side when former CIA Director George Bush defeated Ronald Reagan in 1980.

What has impressed me over the years is how seriously New Hampshire takes its civic obligations. Even though in recent years there has been far more campaigning in high-school gyms than in fabled living rooms, residents of this small New England state cherish their reputation as the closest thing that America has to professional voters. It is impressive that 52.4 percent of eligible New Hampshire voters participated in the 2016 presidential primary. That was a higher rate than Texas and four other states achieved in the November 2016 general election. And it was equal to the 52.4 percent turnout rate in New York.

In contrast, the Iowa caucuses have no provision for absentee ballots and no allowances for voters (because of, say, work, stalled cars or babysitting problems) who cannot attend a 7:00 p.m. event on a cold winter’s night. Even with free-spending candidates, sophisticated lists and national attention, only about 30 percent of registered Democrats and Republicans attended the 2016 caucuses. And that was in a year when the GOP turnout set a record and Hillary Clinton edged Bernie Sanders by a fraction of a percentage point.

The glib theory in politics has always been that primaries measure popularity and caucuses measure the intensity of support. But history has demonstrated that the caucus format discourages participation and skews the electorate in both parties to the ideological extremes. In the rare cases when a state refuses to fund a presidential primary, parties should sponsor their own open delegate contests (called “firehouse primaries” by political insiders) in which voters can cast ballots throughout the day (unlike at a caucus) at a variety of polling locations

around the state.

Since the parties run the Iowa caucuses rather than the state, even vote counting has long been a challenge. In 2012, it took more than two weeks for the Iowa Republican Party to award the state to Rick Santorum rather than the supposed caucus night victor, Mitt Romney. In Iowa, Democrats have long used a bizarre counting mechanism called State Delegate Equivalents that can mean that massive turnout in college towns like Iowa City is not fully reflected in a candidate's vote totals.

As a result, the fairest solution would be to turn the Iowa caucuses into the second primary and thereby safeguard New Hampshire's historic status as the first-in-the-nation primary. Another plausible approach might be to open the campaign season with the New Hampshire and Iowa primaries held on the same day. In either case, candidates are likely to stick to the current model of hopscotching from snowy New England to the small towns of the Corn Belt.

Yes, Iowa and New Hampshire are disproportionately white as are most small states east of the Rockies. That's why South Carolina (61 percent of the Democratic primary voters in 2016 were African-American) deserves its protected third spot on the primary calendar. To highlight a state with a large Latino vote, in 2008 the Nevada caucuses (largely at the behest of Senate Majority Leader Harry Reid) were added to the mix as the fourth delegate contest. But turnout for the Nevada caucuses has always been low (just 75,000 voters participated in 2016 on the Republican side) and the dominant casino union (the Culinary Workers) has wielded disproportionate power among the Democrats. It would make far more sense if the Nevada caucuses were replaced by a primary in New Mexico, a small state with a 40-percent Latino electorate and modest media costs.

As a reporter who spent New Year's Eve 2007-2008 in Des Moines, I have a fervent belief that sanity argues for beginning the primaries in early February rather than in January or even mid-December. Ideally, there would be one delegate contest per week during the first month to give voters a chance to reflect on the results from the prior primary and the natural winnowing of the field.

In putting together the primary calendar, the most daunting challenge has always been to prevent states from jumping the gun in defiance of party mandates. In 2008, Democrats in Michigan and Florida held outlaw primaries in January (a month reserved by the party solely for Iowa, New Hampshire, South Carolina and Nevada). As a result, the Democratic National Committee punished Michigan and Florida by taking away half their delegates. An unintended side effect: These unauthorized primaries probably cost Hillary Clinton the nomination, since they otherwise would have been among her strongest states.

National parties have only a limited number of punishments and rewards in their arsenal. Traditionally, they have added or subtracted convention delegates; they have threatened states with the worst sightlines and hotels at the convention; and they have held press conferences to express disapproval. The problem is that state legislatures, which set the dates for the primaries, are largely immune to such pressures.

But in 2008, the Democrats stumbled on a potent punishment that actually worked. Even when the DNC announced that they would take away half the delegates from Florida and

Michigan for holding primaries too early in the calendar, the two states persisted in their plans to jump the queue. But then the party leaders in the four authorized early states (Iowa, New Hampshire, South Carolina and Nevada) pressured all the Democratic candidates into signing a letter pledging that they would not campaign or advertise in any state that violated the DNC's mandate on scheduling. Five Democratic candidates even formally petitioned to have their names removed from the Michigan primary ballot. As a result, Michigan and Florida felt the sting of being completely ignored by all the 2008 candidates.

That sort of brass-knuckle approach may be needed in the future to maintain a rational order to the primaries. Or parties could decree that anyone who campaigns or advertises in an unauthorized primary would be risking the right to participate in party-sanctioned presidential debates.

It is probably impossible to completely prevent the clustering of primaries. Too many state legislatures wrongly believe that by scheduling a primary in early March (often on the same Tuesday as other primaries), their state will get extra attention from the candidates.

Recent history, in fact, has proved the opposite. In 2008, Barack Obama and Hillary Clinton lavished attention on Indiana and North Carolina, which were the two last major states on the calendar. Partially as a result of the organizing efforts flowing from these primaries, Indiana and North Carolina became the two surprise states that Obama carried against John McCain in November. This year, the May 3 Indiana primary again was decisive — as the primary that drove Trump's leading challenger, Ted Cruz, from the race.

Beyond carving out a protected space for the first four primaries (which the parties, to their credit, do now), the most important goal of the calendar should be to eliminate the extreme clustering that leads to Super Tuesdays. In 2016, for example, nine states held presidential primaries in both parties on March 1. The more primaries that are held on a single day, the harder it becomes for the voters to make a reflective decision. Voters may be excessively influenced by a fleeting news development or the after-effects of some rehearsed debate line. This extreme clustering overly rewards candidates with vast resources (or compliant Super PACs), since they are the only contenders who can afford to advertise heavily in multiple states at the same time. A further factor is that even the most dedicated voter is deprived of any glimpse of the candidates as they hurtle from state to state.

As a result, every inducement at the disposal of the parties (especially bonus delegates and permission to hold winner-take-all contests) should be employed to space out the primaries in a reasonable fashion from February until late May or early June. Jostling for position will be inevitable as long as the ultimate power rests with the state legislatures, but it should be possible to consistently create a more sensible primary calendar.

### *Allocation of Delegates*

The Democrats have a phobia against winner-take-all primaries that dates back to mostly forgotten floor fights at the 1968 convention and fears in 1972 that George Wallace could win the nomination. As a result, the Democrats boast an almost religious devotion to selecting convention delegates by proportional representation by congressional districts.

Without the same tempestuous history, the Republicans lack similar inhibitions about winner-take-all primaries. While the GOP tends to allocate delegates by congressional districts, it has actually encouraged winner-take-all primaries later in the campaign season.

The two approaches led to sharply differing timetables for choosing a de facto nominee in 2016. By encouraging winner-take-all primaries beginning on March 15, the Republicans produced a nominee after the May 3 Indiana primary, although Ohio Governor John Kasich would have been willing to fight on against Donald Trump if Republican Party Chairman Priebus had not pulled the plug. The Democrats, in contrast, stuck with their traditional rules allocating delegates proportionally with no bonus for winning a state. As a result, the Democratic battle between Hillary Clinton and Bernie Sanders dragged on until the June 7 California and New Jersey primaries, even though the outcome had long been a foregone conclusion.

Both delegate-allocation formulas have their pluses and minuses. While winner-take-all primaries have their merits once the nomination fight becomes a struggle involving just two or three candidates, March 15 is far too early to try to bring a contested nomination battle to a close. A more considered arrangement might be to award a candidate who carries a state a 25-percent delegate bonus if a primary were held in April, so that 75 percent of the delegates would be allocated proportionally and the rest winner-take-one-quarter. Only primaries slated for May or June would be allowed to be winner-take-all.

One of the oddities of the current system is that both parties favor electing delegates by congressional districts rather than statewide. The Democrats mandate this approach, with 75 percent of pledged delegates elected by congressional districts. In contrast, the Republicans leave the decision on how to allocate delegates to the individual states. As a matter of principle, awarding delegates by congressional district runs counter to the way we actually elect presidents. In the Electoral College, 48 out of 50 states allocate electors on a statewide winner-take-all basis.

The system also is indefensible on practical grounds. In this year's April 19 New York Republican primary, three delegates were awarded to the winner of each of New York State's 27 congressional districts. What that meant is that 1,223 GOP voters in New York's heavily Democratic 15th district (the Bronx) selected three delegates — as did the 76,126 Republicans who cast ballots in the 27th district (the Buffalo and Rochester suburbs).

The Democrats use a congressional district system that is also flawed, although the party avoids the GOP problem of giving equal weight to heavily Democratic and Republican districts. Under the Democratic system, congressional districts get bonus delegates based on their level of party support in prior elections.

The unanticipated consequence of such a seemingly sensible reform: It discourages candidates from campaigning and spending in congressional districts with an even number of delegates. As the Obama campaign figured out in 2008, a congressional district with, say, four delegates will split two-to-two unless a candidate gets more than 62.5 percent of the vote in a two-way race. That's a high threshold. Which is why the Obama campaign emphasized districts with an odd number of delegates. For example, in a district with five delegates, it takes 50.1 percent of the vote to win three delegates.

Given these philosophical and practical concerns, it is hard to find a reason why convention

delegates shouldn't be allocated statewide in all cases. To prevent splintering of the vote, there should be a 15-percent statewide threshold to win delegates, which is analogous to current Democratic rules.

Similarly, it is difficult to justify the Democratic Party's traditional resistance to winner-take-all primaries. Deployed late enough in the political season, winner-take-all contests they can give voters a meaningful chance to say "wait a second" as the party may be rushing to anoint a badly flawed nominee. Perhaps an argument could be mustered that such a system might give too much weight to California (12 percent of the 2016 Democratic delegates), which traditionally holds its primary on the first Tuesday in June. If that proved to be a serious problem, a feasible solution would be to award half of California's delegates to the statewide victor and allocate the other half through proportional representation.

In 2016, the Democratic Party had 4,765 delegates at the Philadelphia convention. That was roughly three times as many delegates as the Democrats had in 1960 — the last time that a Democratic nomination fight was decided at the convention.

The Democratic delegate bloat, which dates back to the 1970s, has been caused by a variety of factors: the party's commitment to diversity; the creation of super-delegates (currently 15 percent of the total); subsequent efforts to dilute the power of super-delegates by expanding the number of regular delegates; and bonus delegates for states that reliably vote Democratic or agree to go later in the primary season. The bonus delegates are why Maryland (eight Congressional districts) had double the representation of Alabama (seven Congressional districts) at the 2016 convention.

The Republicans operate with a far more manageable number of delegates — 2,472 in 2016. As a result, it might have been feasible for the 2016 GOP convention to act cohesively to deny Trump the nomination and choose a replacement if he had come to Cleveland well short of a delegate majority. But it is impossible to envision an unwieldy Democratic convention emerging as a decision-making body since there are enough delegates to populate a sizable small town in Iowa or New Hampshire. For a Democratic convention to serve as a deliberative body when the party deadlocks on a nominee, the starting point would be to cut the current number of delegates in half. Under such a system, each super-delegate (a topic discussed below) would be awarded half a vote to keep the group's collective representation at 15 percent.

One more small suggestion to reduce delegate bloat: Limit convention votes to the 50 states and the District of Columbia. At the 2016 Democratic Convention, 130 votes were cast by American Samoa, Democrats Abroad, Guam, the Mariana Islands, Puerto Rico and the Virgin Islands. The GOP follows a similarly liberal approach other than not recognizing a fictional locale called Republicans Abroad.

The merits of fairness can be argued in America's decision not to give a presidential vote to citizens who reside in these territories. (Democrats Abroad is mostly a fund-raising gimmick, since many of these expat Americans can vote in their prior home states). But the political parties cannot, by themselves, reverse this disenfranchisement.

The problem with this symbolic gesture of inclusion ("as go the Mariana Islands so goes Guam")

is that the delegate selection process in these far-flung locales has historically been messy and not reflective of stateside politics. The last thing anyone should want is a presidential nominee who goes over the top because of an opaque delegate deal in American Samoa.

### *Super-Delegates and the Role of Deliberation*

Unelected and unpledged super-delegates, which the Democrats created before the 1984 convention, are probably the most unpopular aspect of the presidential nomination system. And these super-delegates are also the major reason why the Democrats would never have nominated as disruptive a presidential candidate as Donald Trump.

The logic behind the invention of super-delegates was simple and persuasive — elected and party officials deserve a seat at the table. Perhaps the Democrats have been too generous in making all 447 members of the Democratic National Committee automatic delegates along with Democratic governors and members of Congress. But from the beginning, super-delegates have been roughly 15 percent of the total delegates at a Democratic convention.

Because they are elected and party officials and thereby sensitive to the voters, super-delegates have been historically reluctant to exhibit their collective power. During the tight 2008 fight between Barack Obama and Hillary Clinton, super-delegates split roughly even in an effort not to impose their judgment on the convention. Even though the super-delegates overwhelmingly supported Clinton in her 2016 battle with Bernie Sanders, most of these officials were relieved when it became clear that Hillary would have won the nomination even without super-delegate votes.

Super-delegates should be understood as an “in emergency break glass” mechanism. Their votes will rarely be decisive, but when they are they will probably save the party from disaster. Which is why the Republicans should adopt their own version of super-delegates to protect the party from future hostile takeovers.

The Democrats have another praiseworthy rule that might have also saved the Republicans from nominating Trump. In response to Ted Kennedy’s 1980 protest about “robot delegates” forever bound to the unpopular Jimmy Carter, the Democrats added a “conscience clause” to the rules. That is, a delegate is bound to vote for the candidate to whom they are pledged unless in “good conscience” he or she can no longer do so. Such a rule would have provided the escape clause if, say, a scandal-scarred John Edwards had been poised to win the nomination.

The hardest challenge in envisioning an improved nomination system is convincing primary voters that a political convention is a legitimate decision-making body rather than merely a scenic backdrop for political speeches. A major aspect of the problem is that few voters recall the last contested convention — the 1976 battle between incumbent Gerald Ford and challenger Ronald Reagan. And very few (aside from political junkies) recall that the last second ballot at a convention was the 1956 Democratic vice-presidential battle between Estes Kefauver and a young Massachusetts senator named Kennedy.

It is not as if the Democratic and Republican national committees can run public service



spots declaring, “Conventions can make decisions.” But that will need to be the case in those rare instances when the primaries do not produce a clear outcome. About all that can be hoped is that party leaders in the future do not follow the Priebus model and declare a race over when the leading candidate has little more than 40 percent of the delegates.

### *Debates*

No element of the 2016 primary campaign was more blatantly unfair than the debates, especially on the GOP side. The Republican debates were organized to hype Trump for ratings purposes and deliberately marginalized senior senators like Lindsey Graham and candidates who had won major primaries and caucuses in the past, such as Rick Santorum and Mike Huckabee. The audiences at many of these GOP debates more resembled a pro-wrestling crowd than voters choosing a nominee for president. In contrast, there was nothing raucous about the Democratic debates, since they tended to be scheduled at odd times designed to minimize viewership.

There is no ideal number of primary debates. But there should be enough so that a front-runner like Hillary Clinton in 2016 cannot sit on a lead, but not so many debates (the Republicans held 27 during the 2012 campaign) that preparation seriously interferes with actual campaigning. In years past, there have been too many debates in the odd-numbered year before most voters are paying attention and far too few in March and April of the presidential year when the nomination fight has become a fierce battle among two or three remaining candidates.

In theory, primary debates should be sponsored by state parties and broadcast as news events by all TV networks interested in carrying them. But state parties have turned these debates into fundraising occasions — and implicitly encouraged the disruptive booing that degraded the dignity of these intra-party debates and interfered with a serious discussion of the issues. This was not a Trump-only phenomenon. In 2012, Newt Gingrich frequently played off angry crowds to accuse debate moderators of anti-Republican bias.

Given the record ratings of the Republican primary debates and the keen interest in all aspects of the 2016 campaign (even beyond the Trump factor), individual networks are likely to be eager to sponsor 2020 primary debates. Even if the anticipated ratings are below 2016 levels, debates remain a way for networks to earn prestige for their news divisions.

As a result, the national parties are in a position to demand that any network sponsoring a debate has to meet certain conditions. The major error made by RNC Chairman Priebus in 2015 was passively ceding to the networks (originally Fox News) the right to winnow the GOP field to create more dramatic television. The result was an over-hyped circus atmosphere that directly contributed to the nomination of a former reality-show host who repudiated many traditional GOP positions on free trade and immigration.

Never again should networks be allowed, especially before anyone votes, to exile candidates with serious political credentials to a so-called kiddie table. If there are too many candidates for a single debate, the party should divide the candidates into two groups by lot and hold back-to-back debates. Also, the sponsoring networks should be barred from placing candidates in a center position based on their poll numbers rather than by random drawing.

Finally, efforts by both party committees in 2016 to ban unsanctioned debates were self-defeating. Candidates should always have the right to challenge rivals to an impromptu debate. (I covered a fascinating inter-party debate on free trade in 1987 between Republican Jack Kemp and Democrat Dick Gephardt). I cannot resist adding that one of the most famous moments in debate history — Ronald Reagan’s 1980 “I paid for that microphone, Mr. Green” — was unsanctioned by the Republican Party. Reagan was indeed paying for the microphone. The pre-New Hampshire primary debate had been designed to pit Reagan against George H.W. Bush, who had won a surprise victory in Iowa. When the Federal Election Commission bizarrely ruled that a newspaper (the *Nashua Telegraph*) couldn’t sponsor the debate, the Reagan campaign stepped in by paying to rent the hall and, yes, the microphone.

The debates illustrate a larger principle that should govern the politics of nominating presidents — the political parties themselves have the power to reform the system for 2020 and 2024.

What is needed is not a far-reaching overhaul of a nomination system that in past 40 years has given the nation successful presidents like Ronald Reagan, Bill Clinton and Barack Obama. Instead, all that are required are adjustments predicated on fairness and giving primary voters sufficient time for deliberation.

In a democracy, there is no way of guaranteeing outcomes. So possibly in some future year, the nation will again be saddled with two presidential nominees as unpopular as Donald Trump and Hillary Clinton. But the persuasive case for reforming the presidential nomination system in both parties is that it will lessen the odds that Americans will ever again have to vote for president with gritted teeth.

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